IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.2488 OF 2005
WITH
CRI.W.P.NO.2489 OF 2005

Mr.Yogesh N.Wadhwana
and Anr. ..Petitioners

Vs.

M/s.Autogenous Welding
& Anr. ..Respondents

...
Baby Agustines Advocate for Petitioners
V.B.Konde-Deshmukh A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Spl.Metropolitan Magistrate, Small Causes Court at Mumbai in Case

Nos.2353/SS/2005 and 1523/SS/2002. In the said cases process was issued against the petitioners under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]